



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 16, 2023

By ECF

Honorable Nina R. Morrison
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Rare Breed Triggers, LLC, et al.*,
No. 23-cv-369 (Morrison, J.) (Levy, M.J.)

Dear Judge Morrison:

As the Court will recall, Defendants' prior counsel in this matter withdrew. At the same time, discovery was ongoing. To avoid undue delay with respect to that discovery but at the same time to allow Defendants to preserve potential objections to that discovery, the United States, pursuant to court order, set up a "firewall" so that third parties who responded to subpoenas during the time that Defendants were changing their counsel would provide responsive material to an Assistant U.S. Attorney – Phillip DePaul – who is not part of the trial team for this matter. *See* Minute Entry and Order of May 5, 2023; Dkt. 54; Order of May 7, 2023.

Defendants have new counsel. Pursuant to the scheduling order, on June 9, 2023. Defendants filed a motion to quash and a motion to modify the protective order. *See* Dkt. 62, 63. Those motions concern subpoenas the United States served on Chase Paymentech, Rick Vasquez, and UPS. Defendants have not raised objections concerning any other subpoena.

The United States therefore requests that the Court partially vacate the Order of May 7, 2023, to allow Mr. DePaul to release any material that he possesses, pursuant to that Order, other than material from Chase Paymentech, Rick Vasquez, or UPS.

The undersigned has consulted with Defendants' counsel, who advise that they consent to this request.

The United States thanks the Court for its consideration of this matter.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: **BY ECF**
All Counsel of Record